

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA

Case No. 3:04-cr-191
Also Civil Case No. 3:08-cv-442

Plaintiff,

-v-

Judge Thomas M. Rose
Magistrate Michael R. Merz

ANDRE D. GRANT,

Defendant.

ENTRY AND ORDER OVERRULING GRANT'S OBJECTIONS (Doc. #257) TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS; ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (Doc. #256) IN ITS ENTIRETY; DISMISSING GRANT'S AMENDED PETITION FOR HABEAS CORPUS WITH PREJUDICE; DENYING LEAVE TO APPEAL *IN FORMA PAUPERIS*; DENYING ANY REQUESTED CERTIFICATE OF APPEALABILITY; AND TERMINATING THIS CASE

This matter comes before the Court pursuant to Defendant Andre D. Grant's ("Grant's") Objections to Magistrate Judge Michael R. Merz's Report and Recommendations regarding Grant's pro se Amended Petition for Habeas Corpus brought pursuant to 28 U.S.C. § 2255. The Report and Recommendations was entered on August 28, 2009. (Doc. #256.) On September 16, 2009, Grant filed objections. (Doc. 257.) The time has run and the Government has not filed a response. Grant's Objections are, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Grant's Objections to the Magistrate Judge's Report and Recommendations are not well-taken, and they are hereby OVERRULED. The Magistrate Judge's Report and

Recommendations is adopted in its entirety.

Grant's pro se Amended Petition for Habeas Corpus is dismissed with prejudice.

Judgment is entered in favor of Plaintiff United States of America and against Defendant Andre D. Grant. Further, because reasonable jurists would not disagree with the conclusions reached in the Report and Recommendation and appeal would be objectively frivolous, Grant is denied leave to appeal *in forma pauperis* and is denied any requested certificate of appealability.

DONE and **ORDERED** in Dayton, Ohio, this Ninth day of October, 2009.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Andre D. Grant at his last address of record